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10 Attorneys for Defendant  
APPLE INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

16 CHRIS SMITH, CHERYL SMITH, KAREN  
SMITHSON, JASON ROUSH, COREY  
17 POMROY, FRANK ORTEGA, LESLIE WHITE,  
ALBERTO CORNEA, MICHELLE ROGERS,  
18 JOSHUA BAYS, DEBORAH CLASS and  
AMBER JONES, individually and on behalf of all  
19 other similarly situated individuals.

20 || Plaintiffs,

21 ||| v.

22 || APPLE INC..

**Defendant.**

Case No. 4:21-cv-09527-HSG

**STIPULATION AND  
ORDER TO SHORTEN TIME  
FOR BRIEFING AND HEARING  
ON APPLE INC.'S MOTION TO  
STAY DISCOVERY (as modified)**

Dept.: Courtroom 2 – 4th Floor

Judge: Hon. Haywood S. Gilliam, Jr.

Am. Compl. Filed: March 28, 2022

1 Pursuant to Rule 6-2(a) of the Local Rules of the United States District Court for the  
 2 Northern District of California, Plaintiffs Chris Smith, Cheryl Smith, Karen Smithson, Jason  
 3 Roush, Corey Pomroy, Frank Ortega, Leslie White, Alberto Cornea, Michelle Rogers, Joshua  
 4 Bays, Deborah Class, and Amber Jones (“Plaintiffs”) and Defendant Apple Inc. (“Apple”), by and  
 5 through their undersigned counsel, stipulate as follows:

6 WHEREAS, Plaintiffs filed their Amended Complaint (“FAC”) on March 28, 2022;

7 WHEREAS, Apple intends to file a motion to dismiss the FAC on or before April 27,  
 8 2022, pursuant to the deadline set by the parties’ stipulation that was entered by the Court (ECF  
 9 No. 28);

10 WHEREAS, Apple has requested that Plaintiffs stay discovery while its forthcoming  
 11 motion to dismiss the FAC is pending, or at least while its Motion to Stay Discovery is pending,  
 12 and Plaintiffs have declined (Declaration of Alexis A. Amezcua (“Amezcua Decl.”) ¶ 2);

13 WHEREAS, concurrent with this Stipulation, Apple filed a Motion to Stay Discovery,  
 14 requesting that the Court stay discovery until the Court resolves Apple’s forthcoming motion to  
 15 dismiss the FAC;

16 WHEREAS, Apple’s Motion to Stay Discovery is currently noticed for a hearing on  
 17 September 29, 2022, the earliest available hearing date on the Court’s calendar;

18 WHEREAS, Apple’s responses to Plaintiffs’ first set of interrogatories and requests for  
 19 production are due on May 11, 2022 (Amezcua Decl. ¶ 3);

20 WHEREAS, as explained in Apple’s concurrently filed Motion to Stay Discovery, Apple  
 21 believes temporarily staying discovery pending resolution of Apple’s forthcoming motion to  
 22 dismiss would promote efficiency and conserve judicial resources, and it will suffer prejudice if  
 23 its Motion to Stay Discovery is not resolved before its discovery responses are due on May 11,  
 24 2022 (Amezcua Decl. ¶ 4);

25 WHEREAS, while Plaintiffs disagree that a discovery stay is necessary, Plaintiffs have  
 26 agreed to Apple’s request for a shortened briefing schedule and request for an expedited hearing  
 27 date for Apple’s Motion to Stay Discovery;

28 WHEREAS, expediting the hearing date for the Motion to Stay Discovery will not alter  
 STIPULATION AND ORDER TO SHORTEN TIME FOR BRIEFING AND HEARING ON APPLE INC.’S MOTION TO

STAY DISCOVERY

CASE No. 4:21-cv-09527-HSG

sf- 4785543

1 the date of any other event or deadline currently fixed by the Court (Amezcuia Decl. ¶ 5);

2 THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the Court's  
3 approval, as follows:

- 4 1. Plaintiffs will file their opposition to Apple's Motion to Stay Discovery on  
5 April 25, 2022;
- 6 2. Apple will file its reply on May 2, 2022; and
- 7 3. The Court will hear Apple's Motion to Stay Discovery on May 5, 2022, or as soon  
8 thereafter as the Court's calendar permits.

9 Dated: April 15, 2022

10 MORRISON & FOERSTER LLP

11 By: /s/ Alexis A. Amezcuia  
12 ALEXIS A. AMEZCUA

13 Attorneys for Defendant  
14 APPLE INC.

15 Dated: April 15, 2022

16 MORGAN & MORGAN  
17 COMPLEX LITIGATION GROUP

18 By: /s/ Marie N. Appel  
19 MARIE N. APPEL

20 Attorneys for Plaintiffs  
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22 KAREN SMITHSON, JASON  
23 ROUSH, COREY POMROY, FRANK  
24 ORTEGA, LESLIE WHITE,  
25 ALBERTO CORNEA, MICHELLE  
ROGERS, JOSHUA BAYS,  
DEBORAH CLASS, AND AMBER  
JONES

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED except the Court will hear Apple's motion to stay discovery on May 19, 2022 at 2:00 p.m. in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612.

Dated:          4/18/2022

Haywood S. Gilliam, Jr.  
Hon. Haywood S. Gilliam, Jr.  
United States District Judge

Hon. Haywood S. Gilliam, Jr.  
United States District Judge